

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BARRY BOLES,

Plaintiff(s)

v.

WAL-MART STORES, INC.

Defendant(s)

Civil Action No.: 12-1762 (JLL)(MAH)

Hon. Michael A. Hammer, U.S.M.J.

JOINT DISCOVERY PLAN

1. Set forth a brief description of the case, including the causes of action and defenses asserted.

Plaintiff has brought claims against the Defendant for several employment-related violations, including Disability Discrimination, Disability Retaliation, and Interference with FMLA Rights.

2. Have settlement discussions taken place? Yes **X** No _____

If so, when? **May 21, 2012**

- (a) What was plaintiff's last demand?

(1) Monetary demand: \$ **70,000**

(2) Non-monetary demand: _____

- (b) What was defendant's last offer?

(1) Monetary offer: \$ _____

(2) Non-monetary offer: _____

3. The parties [have **X** have not _____] exchanged the information required by Fed. R. Civ. P. 26(a)(1). If not, state the reason therefore.

4. Describe any discovery conducted other than the above disclosures.

Defendant has served written interrogatories and document requests upon Plaintiff, which requires Plaintiff to respond by no later than June 4, 2012. Plaintiff has not yet served any discovery requests upon Defendant.

5. Generally, dispositive Motions cannot be filed until the completion of discovery. Describe any motions any party may seek to make prior to the completion of discovery. Include any jurisdictional Motions and Motions to Amend.

Both parties may seek summary judgment prior to the completion of discovery.

6. The parties proposed the following:

- (a) Discovery is needed on the following subjects:

Defendant's FMLA Policies, Defendant's 'Leave' Policies, Plaintiff's Personnel File, Plaintiff's Salary History, Plaintiff's medical condition, Plaintiff's request for FMLA leave.

- (b) Should discovery be conducted in phases? If so, explain. **No.**

- (c) Number of Interrogatories by each party to each other party: 25

- (d) Number of Depositions to be taken by each party: 10 (**Defendant reserves the right to object to any noticed and/or subpoenaed deposition**)

- (e) Plaintiff's expert report due on September 1, 2012.

- (f) Defendant's expert report due on October 1, 2012.

- (g) Motions to Amend or to Add Parties to be filed by August 1, 2012.

- (h) Dispositive motions to be served within 30 days of completion of discovery.

- (i) Factual discovery to be completed by November 30, 2012.

- (j) Expert discovery to be completed by October 31, 2012.

- (k) Set forth any special discovery mechanism or procedure requested, including data preservation orders or protective orders:

- (l) A pretrial conference may take place on January 18, 2013.

- (m) Trial by jury or non-jury Trial? **Plaintiff requests a trial by jury.**

- (n) Trial date: _____.

7. Do you anticipate any discovery problem(s)? Yes _____ No X

8. Do you anticipate any special discovery needs (i.e., videotape/telephone depositions, problems with out-of state witnesses or documents, etc.)? Yes X No _____

If so, explain.

Plaintiff anticipates that depositions will be taken of out-of-state witnesses employed by the Defendant. Plaintiff requests that he be able to conduct said depositions via videoconference. Defendant reserves the right to object to any noticed and/or subpoenaed deposition.

9. State whether this case is appropriate for voluntary arbitration (pursuant to L. Civ. Rule 201.1 or otherwise) or mediation (pursuant to Local Civil Rule 301.1 or otherwise). If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after disposition or dispositive motions, etc.).

This case is appropriate for mediation following the completion of fact discovery.

10. Is this case appropriate for bifurcation? Yes _____ No X

11. We [do _____ do not x _____] consent to the trial being conducted by a Magistrate Judge.



Attorney(s) for Plaintiff(s)



Attorney(s) for Defendant(s)